

**REMARKS**

This application has been reviewed in light of the Office Action mailed on April 7, 2004. Claims 1-13 are pending in the application with Claims 1, 7 and 13 being in independent form. By the present amendment, Claims 1, 7 and 13 have been amended. No new matter or issues are believed to be introduced by the amendments.

**I. Rejection of Claims 1, 3-5, 7, 9-11 and 13 Under 35 U.S.C. §103(a)**

Claims 1, 3-5, 7, 9-11 and 13 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,084,598 issued to Chekerylla ("Chekerylla").

Amended Claim 1 recites: "A method for providing and processing a cursored user interaction with a spatially displayed medical image and performing image processing on said medical image, wherein said method comprises the steps of: providing a menu-less graphical interface having a plurality of sensitive areas positioned at predetermined, fixed relative positions with respect to an associated medical image display field and with each other, wherein each of the plurality of sensitive areas is associated with one of a plurality of different cursors; and controlling a mouse configured such that positionings of said mouse within each of said plurality of sensitive areas causes display of one of the plurality of different cursors and allows activation and control of a plurality of processing functionalities respectively associated with each of said plurality of sensitive areas." (Emphasis added). Claims 7 and 13 recite the same limitations as the limitations added to Claim 1.

Chekerylla discloses a computer system for modifying digital images. The computer system provides means for accessing warp, smooth, stretch, copy and paste tools for image modification; undo, toggle and restore tools for change management; and zoom, fit and full tools for image display sizing. Different modes are selected for performing different functions. In some modes, the cursor changes according to where the cursor is placed on the image. See column 15, line 8 to column 16, line 30.

In contrast to Applicant's invention as recited by Applicant's Claims 1, 7 and 13, Chekerylla does not disclose or suggest a "menu-less graphical interface having a plurality of sensitive areas positioned at predetermined, fixed relative positions with respect to an associated medical image display field and with each other," as recited by Applicant's Claims 1, 7 and 13.

At best, Chekerylla discloses different areas of a graphical interface being associated with a different cursor as shown by FIG. 14. However, these different areas are not positioned at predetermined, fixed relative positions with respect to an image display field and with each other. For example, with reference to the third figure of FIG. 14, there is shown a graphical interface having three different areas each associated with a different cursor. If hand cursor 1403 is used to move box 1411 to the left, the relative position of the area corresponding to double-head arrow cursor 1402 will also shift to the left and the relative position of the area corresponding to pen cursor 1401 will change (a decrease in the area corresponding to pen cursor 1401 to the left of region 1411 and an increase in the area corresponding to pen cursor 1401 to the right of region 1411).

Therefore, the three different areas are not positioned predetermined, fixed relative positions with respect to an associated medical image display field and with each other, as recited by Applicant's Claims 1, 7 and 13. Hence, it is believed that Claims 1, 7 and 13 are patentably distinct over the disclosure of Chekerylla. Accordingly, withdrawal of the rejection with respect to Claims 1, 7 and 13 under 35 U.S.C. §103(a) over Chekerylla and allowance thereof are respectfully requested.

Claims 3-5 and 9-11 depend from Claims 1 and 7, respectively, and therefore include the limitations of Claims 1 and 7. Accordingly, for the same reasons given for Claims 1 and 7, Claims 3-5 and 9-11 are believed to contain patentable subject matter. Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) with respect to Claims 3-5 and 9-11 and allowance thereof are respectfully requested.

## **II. Rejection of Claims 2 and 8 Under 35 U.S.C. §103(a)**

Claims 2 and 8 were rejected under 35 U.S.C. §103(a) as being unpatentable over Chekerylla in view of U.S. Patent No. 6,301,512 issued to Motzer ("Motzer").

Claims 2 and 8 depend from Claims 1 and 7, respectively, and therefore include the limitations of Claims 1 and 7. Accordingly, for the same reasons given for Claims 1 and 7, Claims 2 and 8 are believed to contain patentable subject matter. Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) with respect to Claims 2 and 8 and allowance thereof are respectfully requested.

### **III. Rejection of Claims 6 and 12 Under 35 U.S.C. §103(a)**

Claims 6 and 12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Chekerylla in view of U.S. Patent No. 5,963,203 issued to Goldberg et al. ("Goldberg et al.").

Claims 6 and 12 depend from Claims 1 and 7, respectively, and therefore include the limitations of Claims 1 and 7. Accordingly, for the same reasons given for Claims 1 and 7, Claims 6 and 12 are believed to contain patentable subject matter. Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) with respect to Claims 6 and 12 and allowance thereof are respectfully requested.

### **IV. Conclusions**

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1-13, are believed to be in condition for allowance and patentably distinguishable over the art of record.

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If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call John Vodopia, Esq., Intellectual Property Counsel, at 914-333-9627.

Respectfully submitted,



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